

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:08-CV-247-FDW-DCK**

**SYLVIA CARSON, on behalf of
herself and all others similarly situated,**

Plaintiff,

v.

**LENDINGTREE, LLC, NEWPORT
LENDING CORP., SOUTHERN
CALIFORNIA MARKETING CORP.
HOME LOAN CONSULTANTS, INC.
CHAPMAN CAPITAL, INC., and SAGE
CREDIT CO.,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on the “Joint Motion To Extend Deadlines Related To Defendant’s Motion To Dismiss” (Document No. 23) filed July 18, 2008. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and is now ripe for review.

This matter is governed by the “Standing Order Governing Civil Case Management Before The Honorable Frank D. Whitney” (3:07-MC-47 (Document No. 2)). As such, the “Initial Scheduling Order” (which was issued in this matter on May 30, 2008) provides as follows:

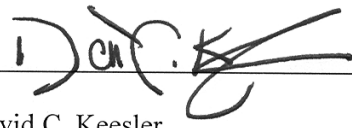
Extensions of time to serve pleadings shall not be granted except by leave of court for good cause shown (consent of opposing counsel alone is not sufficient). Absent extraordinary circumstances, no party shall receive more than one extension of time to serve a pleading, with any such extension being no more than twenty (20) days in duration. ... Any motion to extend the foregoing time... shall be filed immediately upon counsel learning of the need for the same and in any event no fewer than three (3) business days in advance of the filing deadline sought to be modified. The moving party must show consultation with opposing counsel regarding the requested extension and must inform the Court of the views of opposing counsel on the request. If a party fails to make the requisite showing, the Court will summarily deny the request for extension. Any motion for an extensions must also be accompanied by a separately submitted proposed form of order.

The current motion contravenes Judge Whitney's "Standing Order. . . ." Nevertheless, noting the unique posture of the case and having fully considered the pleading and the record, the undersigned will grant the requested extension as proposed. Future motions that violate the standing order will not be allowed.

IT IS, THEREFORE, ORDERED that the "Joint Motion To Extend Deadlines Related To Defendant's Motion To Dismiss" (Document No. 23) is **GRANTED**. Plaintiff shall file and serve her response to Defendant LendingTree's Motion to Dismiss on or before **August 7, 2008**. Defendant LendingTree shall serve its reply on or before **August 24, 2008**.

SO ORDERED.

Signed: July 21, 2008



David C. Keesler
United States Magistrate Judge

